

EXHIBIT

[Here is a version of the claims with markings to show the amendments. It is not believed that this is required by the current Patent Office practice regarding amendments, but was created to help the attorney is seeing the changes being made to the claims.]

1. (currently amended) A system for communication of a proposed commercial transaction in a local area comprising:

a mobile wireless device associated with a consumer, the mobile wireless device including a storage for receiving and storing information related to consumer preferences and an antenna for communicating with local merchants in the local area; [and]

a communications system adapted to communicate with the mobile wireless device associated with a consumer within the local area, said communications system coupled to receive information from a first merchant of a proposed offer and for transmitting the proposed offer to the mobile wireless device associated with the consumer; and

the mobile device including a system which receives a user input indicating that the information from the first merchant is to be transmitted to a second merchant within the local area, with the communication system transmitting the information from the first merchant to the second merchant in response to a user input.

2. (canceled)

3. (original) A system for communication of a proposed commercial transaction in the local area including the elements of Claim 1 wherein the mobile wireless device associated with the consumer is a cellular telephone with storage including preferences loaded by the consumer and the communications system is a short range wireless system operating over a limited local area.

4. (original) A system for communication of a proposed commercial transaction in the local area including the elements of Claim 3 wherein the limited local area is defined by a global positioning system.

5. (original) A system for communication of a proposed commercial transaction in the local area including the elements of Claim 1 wherein the short range wireless communication system complies with the Bluetooth specification.

6. (original) A system for communication of a proposed commercial transaction in the local area including the elements of Claim 1 wherein the offer communicated to the consumer matches the consumer preferences stored in the mobile wireless device.

7. - 8. (previously canceled)

9. (currently amended) A system for conducting an auction between two merchants each having a fixed location and a consumer located proximate to the two merchants, the consumer associated with a mobile wireless device, the system comprising:

a mobile wireless device associated with the consumer including memory for storing details of a proposed transaction and a communications device for receiving messages from at least a first merchant and a second merchant related to the proposed transaction;

a comparator in the mobile device for comparing the messages from the first merchant and the second merchant to determine which message offers the better deal; and

a transmission system responsive to comparison in the mobile device for sending at least one merchant the details of the better deal and for receiving a message from at least one merchant in response to the details of the better deal.

10. (original) A system for conducting an auction including the elements of Claim 9 and further including a system for comparing the received message from the merchant in response to the details of the better deal and for communicating that received message to another merchant.

11 - 13 (previously canceled)

14. (currently amended) A program stored on a storage medium adapted to be read by an information handling system, the program comprising:

a first module for storing consumer preferences;

a second module for transmitting consumer preferences in response to an interrogation by an external system;

a third module for receiving bids from the external system and for storing those bids;
a fourth module for comparing bids to determine the best bid and for receiving an input at a mobile device whether to communicate a bid from one bidder to a second bidder and, if sending is indicated, sending the best bid to an other bidder[s]; and
a fifth module for displaying the best bid received so that the consumer can acknowledge the bid.

15. (currently amended) A system for communicating regarding a proposed transaction between a consumer and potential merchants, the system comprising:

a wireless device associated with the consumer which includes a system for receiving and transmitting information about a potential purchase and receiving a consumer input;

a communications system associated with least first and second potential merchants, each of said first and second merchants seeking to make a transaction with the consumer relating to the proposed transaction, the communication system transmitting to the wireless device a first bid from a first merchant and receiving information on the first bid from the wireless device and transmitting information on said first bid to a second merchant in response to the consumer input.

16. (original) A system for communicating a proposed transaction as provided in Claim 15 and further including a sensor for determining merchants which are proximate to the consumer and his wireless device so that the consumer is dealing with merchants in a defined geographic area.

17. (original) A system for communicating a proposed transaction of the type set forth in Claim 15 wherein, when the wireless device receives from a response from the merchant which includes a proposal of an alternate transaction, the details of the alternate transaction is sent to an other merchant to receive a bid from the other merchant..

18. (original) A system for communicating a proposed transaction of the type set forth in Claim 17 wherein the wireless device includes a screen and displays the communications which have been received from merchants regarding the proposed transaction.

19. (currently amended)-A method of proposing commerce between a merchant and a potential customer with a mobile wireless device, the steps of the method comprising:

receiving at the mobile wireless device a bid from a first merchant regarding a potential purchase and receiving a customer input;

transmitting information regarding the bid from the first merchant to a second merchant in response to the customer input at the mobile wireless device; and

receiving at the mobile wireless device a bid from the second merchant regarding the proposed purchase, whereby the potential customer may compare the first bid from the first merchant with the second bid from the second merchant for the potential purchase.

20. (original) A method of proposing commerce between a consumer and a merchant including the steps of Claim 19 wherein the method further includes receiving and transmitting information only within a limited area, whereby the customer is proximate to the merchants at the time of the communications.

21. (original) A method of proposing commerce between a consumer and a merchant including the steps of Claim 19 wherein the method includes storing consumer preferences in the mobile device and the communications includes information from the stored consumer preferences.